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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/125,479	05/06/1999	ROGER LANCASTER	LAUS-24408	7840

7590 05/10/2002  
THOMPSON & HOWISON  
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EXAMINER

RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/125,479

Applicant(s)

Roger Lancaster

Examiner

Yehdega Retta

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 21, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-16 is/are pending in the applica
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to amendment filed March 21 2002.

***Response to Arguments***

2. Applicant's arguments filed March 21 2002 have been fully considered but they are not persuasive.

***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austrian Futures & Options Exchange (OTOB) as stated in the reference "The Austrian derivatives market", Global Investor, London, 1994; Schiendl, Gunther, hereinafter "OTOB" in view of Coote, Future Trading: Who dares wins (sometimes), Evening Post; Wellington, New Zealand; Apr 30, 1996.
5. As per claims 14-16, OTOB as stated in the reference is a fully electronic trading system which acts as clearing house, integrating clearing and settlement with the central marketplace system. OTOB disclose a computer based cash management fund in which investors deposit funds ... for the opening of contracts (see page 5 para. 4-8); an automated real time screen to

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trade contracts in a marketplace and a clearing house electronically linked to the cash depositing facility and the real time trading system (see abstract and para. 4.4, 4.5); an indivisible financial package contract between first and second party...; trading contract between the first and second party investors: recording price changes... transferring assigned funds after trading... (see under para. 4.8). OTOB teaches a risk-based margining system making certain assumptions, calculating the costs that, in a worst-case scenario, would attach to the closing of positions.... OTOB teaches sufficient funds being deposited to cover a proportion of the price of the contract, however does not explicitly show that if the funds become insufficient to close investors contract...(see page 5 and page 6 para. 1), it is disclosed in Coote (see page 2 para. 4-6). Coote teaches if an investor fails to meet a margin call, their contract automatically closed out by the exchange. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made for OTOB to implement such option, by closing investors' contract who do not meet the margin call, to avoid loss of money.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Money market futures, Economic Review; Richmond; Nov/Dec 1992; Kuprianov, Anatonli.

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Appendix to the testimony of Kalo A. Hineman acting chairman commodity futures trading commission before the committee on banking, housing, and urban affairs united states senate; American Banker; New York, N.Y.; Feb 19, 1988.

Basics of stock index futures trading note: Part 3.; Graphics (statistics) - Bearish Strategy.; STF) - Business Times; Kuala Lumpur; Apr 29, 1996.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436 and electronic transmission / e-mail address is "yehdega.retta@uspto.gov". Examiner can normally be contacted Monday through Friday from 7:00 a.m. to 3:30 p.m. **If applicant(s) chooses to send information by e-mail, please be aware that confidentiality of the electronically transmitted message cannot be assured.** Please see MPEP 502.02. Information may be sent to the Office by facsimile transmission. The Official Fax Numbers for TC-2100 are:


After-final	(703) 746-7238
Official	(703) 746-7239
Non-Official/Draft	(703) 746-7240

Examiner

Yehdega Retta

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April 23, 2002

  
ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100